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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,096	04/25/2006	Andre Latenstein Van Voorst	NL 031284	1127
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EXAMINER				
PHAM, VAN T				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
07/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/577,096

**Applicant(s)**

LATENSTEIN VAN VOORST ET AL.

**Examiner**

VAN T. PHAM

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukuda et al. (US 2002/0009032).

Regarding claim 1, Fig. 4, discloses a pickup unit for reading and/or writing data on a disk, comprising

a lens (Fig. 10, lens 1) in a lens holder (Fig. 10, lens holder 13) which is connected to a frame (Fig. 10, frame 11) of the pickup unit by at least one elastic support member (Fig. 10, elastic member 3a) extending between a mounting position at the lens holder (see Fig. 10) and a mounting position at the frame (Fig. 10, frame 11), the lens holder being movable with respect to the frame in a focusing direction (see Fig. 10, and direction Fo) of the lens towards and away from the disk in that the at least one elastic support member is bent under the action of an actuator acting between the lens holder and the frame, wherein at least in an inactivated state of the actuator the mounting position of the at least one elastic support member at the lens holder is located closer to the disk than the respective mounting position of the at least one elastic support member at the frame, as seen in the focusing direction of the lens (see Figs. 2, 10 and 16).

Regarding claim 2, discloses a pickup unit according to claim 1, wherein the at least one elastic support member is substantially rectilinear and has an inclined position with respect to the plane of the disk (see Figs. 4 and 10).

Regarding claim 3, discloses a pickup unit according to claim 1, comprising a plurality of elastic support members, preferably four or six elastic support members (see Figs. 4 and 6, [0113]).

Regarding claim 4, discloses a pickup unit according to claim 3, wherein each elastic support member forms part of a cooperating group of elastic support members, and wherein the mounting positions of the elastic support members within the cooperating groups are spaced apart in the same direction and over an equal distance at the lens holder and at the frame (see Figs. 2, 10, 16).

Regarding claim 5, discloses a pickup unit according to claim 3, wherein for each cooperating group of elastic support members their mounting positions at the lens holder are symmetrically spaced apart in the focusing direction of the lens with respect to the center of mass of the lens holder (see Figs. 2, 10 and 16).

Regarding claim 6, discloses a pickup unit according to claim 3, wherein each elastic support member forms part of a cooperating group of elastic support members, and wherein the two cooperating groups of elastic support members are positioned at a distance from each other, symmetrically with respect to a plane extending through the center of the lens in the focusing direction and in a tangential direction of the lens with respect to the disk (see Figs. 2, 10 and 16).

Regarding claim 7, discloses a pickup unit according to claim 3, wherein the elastic support members are wire members (see [0009], [0113]).

Regarding claim 9, discloses a disk drive unit comprising a disk drive and the pickup unit according to claim 1 (see Fig. 4).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda et al. (US 2002/0009032) in view of Hori et al. (US 6,246,531).

Regarding claim 8, Tsukuda discloses a pickup unit according to claim 1, and at least one elastic support member.

Hori discloses four suspension wires or conductive wires 24 as a suspension member for elastically suspending the lens holder 21 (see col. 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide conductive wires as a suspension member in Tsukuda as suggested by Hori, the motivation being in order to the lens holder is provided with coil electrically connected to the conductive wires (see Hori col. 3)

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is (571)272-7590. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN T PHAM/  
Examiner, Art Unit 2627

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627

